



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,151	12/14/2001	Xiaochun Nie	4860P2643	4041

8791 7590 07/25/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,151

Applicant(s)

NIE ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-16,18-35 and 37-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-16,18-35 and 37-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/2/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 2 May 2005 under 37 CFR 1.53(d) based on parent Application No. 10/022,151 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 11 April 2005, submitted with the filing of the RCE have been received and entered. Claims 1-8, 10-16, 18-35 and 37-59 as amended are pending in the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 42-59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 42 and 53 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 3, paragraph 0016, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., magnetic media such as disk drives and magnetic tape) and intangible embodiments (e.g., electrical, optical, acoustical, or other form of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.)). Although the claims recite that the intangible embodiments can

Art Unit: 2173

be executed on a tangible medium such as a processor in language such as “machine readable medium having instructions which when executed by a processor cause the processor to perform operations”, the claims do not explicitly recite that the intangible embodiments are **actually executing or executed** on the tangible processor. As such, the claim is not limited to statutory subject matter and is therefore non-statutory as the claim is not tangible.

4. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 10-16, 20-35, 39-47 and 50-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill et al. U.S. Patent 6,081,262.

Referring to claims 1, 30 and 42, Gill et al. teach a method, system and machine readable medium having instructions comprising processing a request to create a scene, wherein the scene is to be able to be translated and rotated (using a multi-media authoring tool extension to create a multimedia presentation, the media object of the presentation being able to be translated and

Art Unit: 2173

rotated via capabilities of zooming, rotating, resizing, etc. the objects) (column 3, lines 10-45, column 6, lines 49-50 and column 7, lines 1-62), processing a request to add at least two media objects to the scene (combining a plurality of media objects of multiple diverse types into an integrated presentation) (column 3, lines 10-15 and 56-62), preparing a translation vector and a rotation matrix for each of the media objects to define an orientation and a location of each of the media objects in the scene (regulating the spatial relationship between the objects within the presentation by coordinating and managing the inputting of data into the plurality of partitions on the presentation; each object placed on the presentation has both a position and extent on the page; the user can further define the orientation and location of the imported objects by zooming, rotating, resizing, etc. the objects) (column 3, lines 21-45, column 6, lines 49-50 and column 7, lines 33-48) and displaying the scene (viewing the multimedia presentation) (column 14, lines 18-19 and column 18, lines 17-26). This is further shown in Figure 2 where a plurality of media objects are placed at certain locations on the presentation.

Referring to claims 23 and 53, Gill et al. teach a method and machine readable medium having instructions comprising providing a first function to allow an application program to create a scene, wherein the scene is to be able to be translated and rotated (using a multi-media authoring tool extension to create a multimedia presentation, the media object of the presentation being able to be translated and rotated via capabilities of zooming, rotating, resizing, etc. the objects) (column 3, lines 10-45, column 6, lines 49-50 and column 7, lines 1-62), providing a second function to allow the application program to add at least two media objects to the scene (combining a plurality of media objects of multiple diverse types into an integrated presentation) (column 3, lines 10-15 and 56-62), and preparing a translation vector and a rotation matrix for

each of the media objects to define an orientation and a location of each of the media objects in the scene upon receipt of a request to execute the second function (regulating the spatial relationship between the objects within the presentation by coordinating and managing the inputting of data into the plurality of partitions on the presentation; each object placed on the presentation has both a position and extent on the page; the user can further define the orientation and location of the imported objects by zooming, rotating, resizing, etc. the objects) (column 3, lines 21-45, column 7, lines 33-48 and column 6, lines 49-50). This is further shown in Figure 2 where a plurality of media objects are placed at certain locations on the presentation.

Referring to claims 24 and 54, Gill et al. teach providing a third function to display the scene and the media objects in the scene and displaying the scene responsive to receiving a request to execute the third function (user activation of the presentation mode to the view multimedia presentation) (column 14, lines 18-19, column 18, lines 17-26 and Figure 5).

Referring to claims 2, 25, 31, 43 and 55, Gill et al. teach receiving a request to manipulate the scene (allowing the user to edit, manage and manipulate the objects on the multimedia presentation) (column 3, lines 37-44, column 4, lines 35-44 and column 10, lines 64-67).

Referring to claims 3, 26, 32, 44 and 56, Gill et al. teach updating the translation vector and rotation matrix for each of the media objects responsive to receiving the request to manipulate the scene (as each one of the plurality of media objects are added to the presentation, the presentation is updated to regulate the spatial relationships among the plurality of objects and reflect the new addition) (column 3, lines 21-44).

Art Unit: 2173

Referring to claim 4, Gill et al. teach the request to manipulate is received from an application program (using the authoring tool to manage and manipulate the presentation) (column 10, lines 64-67 and column 13, lines 63-67).

Referring to claim 5, Gill et al. teach the request to manipulate originates from the user (the user is using the authoring tool to manage and manipulate the presentation) (column 5, lines 36-44 and column 6, lines 57-59).

Referring to claims 6, 27, 33, 45 and 57, Gill et al. teach the request to manipulate is one of a pan request, a zoom request, and a tilt request (allowing the user to perform operations on the objects within the presentation such as zoom, rotate, etc.) (column 6, lines 49-63).

Referring to claims 7, 28, 34, 46 and 58, Gill et al. teach calling one or more library functions of a plurality of library functions to manipulate the media objects (using one of the tools, or functions of the authoring tool, such as zoom, rotate, resize, etc. to manipulate the objects; for example, creating a button object using the function of the button library pixel editor) (column 6, lines 49-63 and column 11, lines 44-47).

Referring to claims 8, 29, 35, 47 and 59, Gill et al. teach the library functions are included in an operating system enhancement application program interface (the functions used to manipulate the objects are part of the authoring tool) (column 10, lines 64-67 and continuing onto column 11, lines 1-47).

Referring to claim 10, Gill et al. teach receiving a selection of a first media object of the media objects within the scene (selecting the media objects to rotate, resize, zoom, etc.) (column 6, lines 49-63 and column 11, lines 4-6).

Referring to claim 11, Gill et al. teach receiving a request to manipulate the first media object (allowing the user to edit, manage and manipulate the objects on the multimedia presentation) (column 3, lines 37-44, column 4, lines 35-44 and column 10, lines 64-67).

Referring to claim 12, Gill et al. teach updating the translation vector and rotation matrix for each of the media objects responsive to receiving the request to manipulate the first media object (as each one of the plurality of media objects are added to the presentation, the presentation is updated to regulate the spatial relationships among the plurality of objects and reflect the new addition; furthermore, the user can define the position and extent of each object on the presentation) (column 3, lines 21-44 and column 7, lines 33-37).

Referring to claim 13, Gill et al. teach the request to manipulate originates from the user (the user is using the authoring tool to manage and manipulate the presentation) (column 5, lines 36-44 and column 6, lines 57-59).

Referring to claim 14, Gill et al. teach the request to manipulate is one of a pan request, a zoom request, and a tilt request (allowing the user to perform operations on the objects within the presentation such as zoom, rotate, etc.) (column 6, lines 49-63).

Referring to claim 15, Gill et al. teach calling one or more library functions of a plurality of library functions to manipulate the media objects (using one of the tools, or functions of the authoring tool, such as zoom, rotate, resize, etc. to manipulate the objects; for example, creating a button object using the function of the button library pixel editor) (column 6, lines 49-63 and column 11, lines 44-47).

Referring to claim 16, Gill et al. teach the library functions are included in a well-known operating system enhancement application program interface (the functions used to manipulate

Art Unit: 2173

the objects are part of the authoring tool) (column 10, lines 64-67 and continuing onto column 11, lines 1-47).

Referring to claim 17, Gill et al. teach the well-known operating system enhancement application program interface is the QuickTime® system available from Apple Computer, inc. (column 14, lines 1-10).

Referring to claims 20, 39 and 50, Gill et al. teach receiving a designation of a soundtrack to be played in conjunction with displaying the scene (including audio, or sound objects such as part of a movie, in the multimedia presentation) (column 1, lines 25-27, column 3, lines 56-65 and column 10, lines 11-21).

Referring to claims 21, 40 and 51, Gill et al. teach the soundtrack is to be played by calling one or more library functions of a plurality of library functions (the functions of the authoring tool includes merging objects including movies, audio, etc.) (column 3, lines 56-65).

Referring to claims 22, 41 and 52, Gill et al. teach calling one or more library functions of a plurality of library functions to display the media objects (the authoring tool includes functions allowing it to integrate and display media objects) (column 3, lines 56-65, column 4, lines 35-44 and Figures 2-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-19, 37-38 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill et al. U.S. Patent 6,081,262, as applied to claims 1, 30 and 42 above, and further in view of Autry et al. U.S. Patent 5,724,106.

Referring to claims 18, 37 and 48, Gill et al. teach all of the limitations as applied to claims 1, 30 and 42 above. Specifically, Gill et al. teach associating sounds with media objects (including audio, or sound objects such as part of a movie, in the multimedia presentation) (Gill et al.: column 1, lines 25-27, column 3, lines 56-65 and column 10, lines 11-21). However, Gill et al. fail to explicitly teach playing the soundtrack associated with the media object when a user selects the media object. Autry et al. teach a graphical user interface for displaying and controlling media objects such as pictures (Autry et al.: column 3, lines 40-44 and column 4, lines 9-11) similar to that of Gill et al. In addition, Autry et al. further teach playing the soundtrack associated with the media object when the media object is selected by a user (playing a soundtrack when the user selects the icon by dragging and dropping the icon on a corresponding program) (Autry et al.: column 16, lines 54-67 through column 17, lines 1-4). It would have been obvious to one of ordinary skill in the art, having the teachings of Gill et al. and Autry et al. before him at the time the invention was made, to modify the interface for creating multimedia presentations of Gill et al. to include playing a soundtrack in response to user selection, taught by Autry et al. One would have been motivated to make such a combination in order to provide users with more options and control in designating how their created presentation will look and sound.

Referring to claims 19, 38 and 49, Gill et al. teach all of the limitations as applied to claims 1, 30 and 42 above. However, Gill et al. fail to explicitly teach the soundtrack is to be played responsively to movement of the associated media object. Autry et al. teach a graphical user interface for displaying and controlling media objects such as pictures (Autry et al.: column 3, lines 40-44 and column 4, lines 9-11) similar to that of Gill et al. In addition, Autry et al. further teach the soundtrack is to be played responsively to movement of the associated media object (playing a soundtrack when the user selects the icon by dragging and dropping the icon on a corresponding program) (Autry et al.: column 16, lines 54-67 through column 17, lines 1-4). It would have been obvious to one of ordinary skill in the art, having the teachings of Gill et al. and Autry et al. before him at the time the invention was made, to modify the interface for creating multimedia presentations of Gill et al. to include playing a soundtrack in response to user selection, taught by Autry et al. One would have been motivated to make such a combination in order to provide users with more options and control in designating how their created presentation will look and sound.

Response to Arguments

7. Applicant's arguments filed 18 November 2004 have been fully considered but they are not persuasive: the examiner respectfully notes that claim language such as "wherein" merely suggests limitations or makes limitations optional. In using claim language such as "wherein" applicant has not required steps to be performed or limited an apparatus to a particular structure (see MPEP 2106). In addition, the amended claim language of "wherein the scene is to be able to be translated and rotated" does not narrow the claims to an interpretation of the scene itself

Art Unit: 2173

being translated and manipulated, but merely that the scene is to be able to be translated and rotated. Gill teaches the media objects included in the presentation, or scene, is able to be translated and rotated via zooming, rotating, resizing, relocating, etc. the objects (column 3, lines 21-45, column 6, lines 49-50 and column 7, lines 33-48); since the media objects are part of the multimedia presentation, or scene created, and the media objects are able to be translated and rotated, the presentation is also to be able to be translated and rotated.

8. Furthermore, with regard to claims 18-19, 37-38 and 48-49, the applicants assert that Gill does not teach or suggested the limitation of independent claims 1, 30 and 42, from which claims 18-19, 37-38 and 48-49 depend, specifically that Gill does not teach “wherein the scene is to be able to be translated and rotated” and that Autry does not teach the limitations missing in Gill. The examiner respectfully disagrees. In view of the response above, the examiner maintains that Gill does teach the recited limitations of independent claims 1, 30 and 42, from which claims 18-19, 37-38 and 48-49 depend.

9. Therefore, the examiner respectfully maintains that Gill and the combination of Gill and Autry anticipate the subject invention.

Conclusion

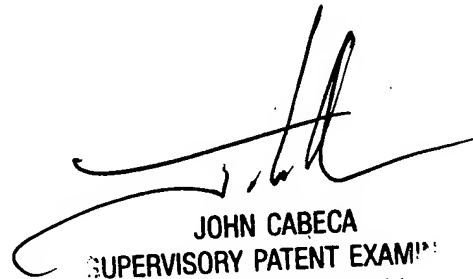
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 21